

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHNNY W. MCWHORTER,

Plaintiff,

v.

JO ANNE B. BARNHART, Commissioner of
Social Security,

Defendant.

CASE NO. C05-5175FDB

ORDER

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, and objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) the ALJ erred in her decision as described in the report;
- (3) the matter is therefore REMANDED to the administration for further consideration; and
- (4) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge J. Kelley Arnold.

DATED this 6th day of March 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE